

2637

The City of Allentown, Water Resources
112 W. Union St. Allentown, PA 18102
610-437-7641

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Comments on Public Notice Proposed Rulemaking, DEP ID: 7-407 (#2637)

The City of Allentown owns and operates a 30 million gallon per day (MGD) conventional surface water treatment plant and two spring water sources to provide potable water to a population of approximately 127,000 residents of the Lehigh Valley. Therefore, the outcome of the recently proposed Public Notification Rule revisions, are of keen interest to the City. Allentown is in total agreement with the improved customer communications and public health protection goals of the legislation. However, the City has some concerns with the timeline, budgetary impacts and ambiguities of the legislation and thusly wishes to provide the following comments before the rule enters promulgation.

- The proposed regulation states that rulemaking will go into effect upon final-form publication in the Pennsylvania Bulletin. It is the City's understanding that the TAC board will vote on this in April and if passed, publication will soon follow. It would appear that there has been an inadequate amount of time provided to research and purchase a system or contract with a service provider that not only meets the requirements of the proposed regulation but also best suits other possible needs of the City. Amber alerts, severe weather notifications, street closings, terrorism and hostage situations, fires, school threats, etc are just a few other uses that an automatic dialing service may offer the City. To purchase a system prematurely without exploring all of its possible benefits would be a poor utilization over very scarce City resources.
- The Preamble of the Notice of Proposed Rulemaking indicates that "the proposed revisions address additional planning and delivery requirements. As a result, financial assistance should not be necessary." However the document also states "The greatest increase in costs will be incurred by systems serving more than 3,300 people and will be associated with costs for contracting services for or purchasing an automatic telephone dialing system." After hosting demonstrations from two separate dialup system vendors, Allentown is anticipating paying at least \$25,000 annually to comply with the rule. Immediate implementation of this rule, as mentioned above would present a major budgetary burden to the City's water fund budget. This mid-year expenditure would require funding be diverted from some other program such as the capital improvement program that was set in place for upkeep of the water facility's treatment equipment. The City is of the opinion that the legislation should be amended with an implementation date of 2009 rather than immediately after publication to provide time for proper municipal budgetary protocol and procedures.
- The time required to build a customer phone number database is also a factor that should be considered when determining the implementation period for the legislation. Some dialup service providers offer the service of populating the phone number database

for their clients but usually at an additional cost which increases the initial contract amount. Phone number data-bases that are populated by the service provider typically only provide information on landlines or very limited data on cell phone numbers. With the populous moving more toward mobile phone use, this may present a significant challenge to municipalities attempting to develop an accurate phone database and consequently when attempting to notify their customers of a problem.

- Allentonians are exceedingly diversified in their ethnicity; the rule does not take into consideration the fact that our residents may not all speak English. This must also be considered when choosing a vendor because not all companies offer bilingual messaging. The rule does not offer guidance or direction on this situation.
- An increase in situations that require 1-hour notification has also been addressed in the proposed regulation but the examples are vague and difficult to follow. For example, the rule states that notification is required for situations that cause negative pressure in the distribution system treats every main break as a Tier 1 violation. Years of experience in the City distribution system has shown that main breaks do not allow contamination to enter the distribution system and water sampling/testing has identified no health threat. Requiring public notification for everyone one of these "less serious" situations not only increases the overall cost to the City but also could have the effect of desensitizing our customers to notices of more serious situations for which they may need notification.
- In systems serving populations of more than 100,000 people, the number of calls that must be made to meet the requirements of the regulation is alarming. The legislation does not take into account the fact that local phone company switches may not have the capacity to handle hundreds simultaneous calls thus preventing a portion of the calls from reaching the customers.
- There is no mention as to the way systems must follow-up reporting after calls have been launched. Must the water provider keep records of such attempts? If so, this may alter the scope of what vendors can and cannot offer.

The City of Allentown appreciates the opportunity to submit comments on this Proposed Rulemaking: Public Notice on Drinking Water Systems and requests that the Department give our comments serious consideration.

Best regards,

Bob Kerchusky
Manager of Operations
Kerchusky@allentowncity.org

Tate, Michele

From: Kerchusky, Robert [kerchusky@allentowncity.org]
Sent: Wednesday, November 21, 2007 4:17 PM
To: RegComments@state.pa.us
Subject: Proposed Rulemaking: Public Notice on Drinking Water Systems DEP ID 7-407(#2637)

Good Afternoon,
Please accept the attached comments for the above mentioned proposed rule.

Thank you,

Bob Kerchusky
Manager of Operations
City of Allentown
Water Resources
610-437-7641

11/26/2007

